

LICENSE HEARING MINUTES
Dukes Cars and Towing, 977 Front Avenue
Thursday, August 22, 2019, 2:00 p.m.
Room 330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The hearing was called to order at 2:00 p.m.

Staff Present: Kris Schweinler, Department of Safety and Inspections (DSI)

Licensee: Duqueiro Cano, Applicant/Owner

License Application: Auto Repair Garage

Other(s) Present: NA

Legislative Hearing Officer Nhia Vang made introductory comments about the hearing process: This is an informal legislative hearing for a license application. This license application required a Class N notification to inform neighbors and the District Council about the application and provide them with an opportunity to submit comments. The City received correspondence of concern/objection, which triggered this hearing.

The hearing will proceed as follows: DSI staff will explain their review of the application, and state their recommendation. The applicant will be asked to discuss their business plan. Members of the community will be invited to testify as to whether they object to or support the license application. At the end of the hearing, the Legislative Hearing Officer will develop a recommendation for the City Council to consider. The recommendation will come before the City Council as a resolution on the Consent Agenda; the City Council is the final authority on whether the license is approved or denied.

There are three possible results from this hearing: 1) a recommendation that the City Council issue this license without any conditions; 2) a recommendation that the City Council issue this license with agreed upon conditions; or 3) a recommendation that the City Council not issue this license but refer it to the city attorney to take an adverse action on the application, which could involve review by an administrative law judge.

Minutes:

Kris Schweinler, Department of Safety and Inspections (DSI) gave a staff report. She said the recommendation from City Licensing was for approval with the 19 conditions, and it had been approved by both Zoning and Licensing with those conditions. She said it was a continuing use, and no Building approval was required.

Recommended License Conditions

1. All customer and employee vehicles must be parked in accordance with the approved parking plan on file with the Department of Safety and Inspections (DSI) dated 06/24/2019. A maximum of six (6) vehicles may be parked on the property at any time.

2. The parking lot shall be maintained in good order and repair in accordance with the approved parking plan on file with DSI dated 06/24/2019 which includes striping of individual parking spaces, wheel stops in the southeast corner of the property (set-back four (4) feet from the east property line), fencing, etc.
3. No blockage of alley access by any vehicle at any time.
4. There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business. Trash will be stored in a covered dumpster or inside the building. Storage of vehicle fluids, batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste regulations.
5. No use of garage or driveway on adjacent lot for business purposes of any kind.
6. No repair of vehicles may occur on the exterior of the lot or in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.). All repair work must occur within an enclosed building.
7. No auto painting or body work of any kind is permitted.
8. Vehicle sales is not permitted.
9. The storage of vehicles for the purpose of salvaging parts is expressly forbidden. Vehicle salvage is not permitted.
10. All vehicles parked outdoors must appear to be completely assembled with no major body parts missing.
11. Customer vehicles may not be parked longer than ten (10) days on the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the lot as permitted by law.
12. No cleaning of snow off property into alley or surrounding property, snow must be removed by other means.
13. At no time shall customer, employee, and/or business vehicles be parked in the driveway or in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.). This includes, but is not limited to vehicles awaiting repair, and/or that have been repaired and are awaiting pick-up by the owner of the vehicle.
14. No cleaning, washing, or flushing of materials onto street or alley. If spillage occurs by accident, business must clean up in accordance with Ramsey County Hazardous Waste regulations
15. No excessive noise is to be generated by the business; the business can be open from 7:00 a.m. to 9:00 p.m. Monday through Saturday, with repair work limited to the hours of 7:30 a.m. to 7:30 p.m. Monday through Saturday.
16. Area must be kept clean and free of garbage.
17. No driving down alleyway for purposes of vehicle testing (driving down alley frequently and at excessive speeds is a danger to residents and their children.)
18. Provide maneuvering space on the property to allow vehicles entering and exiting the site from the street to proceed forward. Backing from the street or on to the street is prohibited.
19. Licensee must comply with all federal, state and local laws.

Ms. Vang confirmed with the applicant that he understood and agreed to the 19 conditions proposed.

Ms. Vang said she would read the letters of opposition into the record. She said the district council asked for clarification on conditions 1, 12, and 18.

Mr. Cano said that was from Justin, who had a shop down the alley and had been at the meeting. Mr. Cano said Justin had concerns about the parking.

Ms. Vang clarified that she was referring to the district council's letter requesting clarification of Condition 1 pertaining to accessible parking, Condition 12 forbidding blowing snow into the street, and Condition 18 forbidding tow trucks from backing into the property. She said the district council letter indicated Mr. Cano heard and understood the concerns and demonstrated a willingness to work with the conditions. She asked Ms. Schweinler to clarify the conditions.

Ms. Schweinler said, related to Condition 1, they were not required to have accessible parking since this has been a car lot since before the zoning laws were adjusted. She said most vehicles would be driven or towed in, and customers would only be parked for a short period of time. Mr. Cano was required to park the six allowed cars according to the site plan.

Ms. Schweinler didn't have a clarification for the question about snow removal. Mr. Cano said there was space on all sides for snow. He said there had never been snow like this year before, and the neighbors may have seen him going in and out with the little Wrangler he used for plowing. He said the woman who lived across the street had taken pictures of them the previous day when they were using a tow truck to remove the gazebo they'd been required to remove.

Ms. Schweinler confirmed that Mr. Cano understood he couldn't plow snow into the street. Mr. Cano said when there was a lot of snow he put it on his flatbed and took it to a place where it could be dumped.

Ms. Vang asked for clarification of Condition 18. Ms. Schweinler said it was to provide maneuvering space on the site for people entering and leaving the lot could proceed forward; backing from the street or onto the street was prohibited. The tow truck was a different situation, and more of a loading zone thing where he was allowed to back it up and unload the car and leave. She said Condition 18 referred to customer cars and cars being repaired.

Mr. Cano said Justin from Pope attended the meeting and said he didn't like to see tow trucks going down the alley. Mr. Cano said the only tow trucks in the alley were his (Justin's), because he was on the alley and Mr. Cano was on the corner. Ms. Vang said the neighbors had concerns, and Mr. Cano should be aware.

Ms. Vang asked whether the tow truck was stored in the building. Mr. Cano said he had a space for it in the building. Ms. Schweinler said it was a small tow truck. Mr. Cano said he kept his flatbed in Minneapolis. Ms. Vang asked about Mr. Cano's other locations. Mr. Cano said he had a location in Minneapolis. Ms. Schweinler said there was another St. Paul location on Maria.

Ms. Vang asked how Mr. Cano would manage the new location. Mr. Cano said it was a family-owned and operated, with himself, his wife and two teenagers. Ms. Vang asked Mr. Cano if he would manage the new location. Mr. Cano said yes, since they were just beginning he needed to invest in meeting the people.

Ms. Vang asked whether the Maria location was similarly situated in a residential neighborhood. Mr. Cano said it was right next to a big shop. Ms. Schweinler said it was at 3rd and Maria, and there was a large repair shop on the corner with no conditions and some issues. She said Mr. Cano's shop was next door and was an auto body shop. Ms. Vang confirmed with Mr. Cano that he was aware of the potential issues of having a business in a residential neighborhood.

Ms. Vang noted that there were a lot of conditions, and said she assumed many of them were tied to the previous business. Ms. Schweinler said that was correct.

Ms. Vang asked Mr. Cano how many employees he would have. Mr. Cano said it was a small shop with two bays, so maybe two employees.

Ms. Vang asked about Ramsey County Hazardous Materials. Mr. Cano said he was told he should call once he was open and running. Ms. Vang asked whether there was space for storage of parts. Mr. Cano said there was. Ms. Vang asked about garbage pick-up. Mr. Cano said every two weeks, or more often if necessary.

Ms. Vang asked about hours of operation. Mr. Cano said 7:00 to 7:30. Ms. Vang noted the conditions limited business hours to 7:00 a.m. to 9:00 p.m., with repair work hours limited to 7:00 a.m. to 7:30 p.m. Mr. Cano said it would probably be 9:00 a.m. to 6:30 p.m.

Ms. Vang referred to the site plan, and noted six spots and that it was recently approved. Ms. Schweinler said the former license applicant made some changes to the property, including a shed and a fence, and the site plan needed to be changed to accommodate those changes.

Ms. Vang said there had been some questions about the site plan; she asked if Mr. Cano would make it available. Ms. Schweinler said too many things in the window could be a problem too. Ms. Vang suggested that interested parties would be referred the City's website to view the site plan should questions arise.

Ms. Vang asked about the schedule for striping the lot and whether Zoning had given a deadline. Mr. Cano said it could be done that weekend and he hoped to open the following week. Ms. Vang explained the process for City Council approval, and said staff would try to move it forward as soon as it's reasonably possible.

Ms. Vang asked about repaving; she said she saw weeds and grass in the photographs. Mr. Cano said they were going to re-seal and stripe.

Ms. Vang noted that residential neighbors were really close, and that there was a fence. Mr. Cano said the north part of the shop was fenced in.

Ms. Vang noted the building had been unused; she asked about graffiti. Mr. Cano said there had been no graffiti. The option of a graffiti waiver was discussed. Ms. Schweinler said there had never been a problem at the other shop.

Ms. Vang asked about security cameras. Mr. Cano said they had some and were adding more, and cameras had been effective in Minneapolis. Ms. Vang asked Mr. Cano whether he had consulted with police about placement. Ms. Schweinler said DSI had a sergeant who would do that.

Ms. Schweinler asked whether there was still barbed wire around the fence. Mr. Cano said yes, the previous owner told him he paid for a permit for it. Ms. Schweinler said it required a bond. She said it was discouraged now but Mr. Cano was grandfathered in, and had to maintain the bond. Ms. Vang asked Mr. Cano whether he leased or owned. Mr. Cano said he owned. Ms. Vang confirmed with Mr. Cano that he was maintaining the barbed wire. Mr. Cano said it was in good shape. Ms. Vang said it appeared to be on just one side. Ms. Schweinler said it was on the entire fence.

Ms. Vang asked about lighting. Mr. Cano said he felt it was good lighting. Ms. Vang suggested consulting with the City before adding lighting to ensure it was not disruptive to the closest residential neighbor. Mr. Cano said, if anything, he would change to LED lights.

Ms. Vang said that Mr. Cano had indicated he didn't use the alley. Mr. Cano said he used the alley to put the tow truck away at night, but dropped the cars in the front.

Ms. Vang, Ms. Schweinler and Mr. Cano discussed the location of the property lines relative to the fence.

Ms. Vang reviewed the letter of support from Jeremy Stomberg. She reviewed the letter of objections from three neighbors, expressing a variety of concerns. She referred to statements in the letter about activities taking place at the business; she asked Mr. Cano when he had opened the business and when he had purchased it. Ms. Schweinler said it was not open.

Mr. Cano said he received his alarm permit and thought it was his license, and he opened the business. He said the inspector came and told them they couldn't be open; now he was closed and waiting for the license. He said the neighbors got a picture of the flatbed bringing in a car; it was his own car and was still in the shop. He said the neighbors took pictures when the driver brought the lawn mower in the tow truck and mowed the lawn.

Ms. Vang said the neighbors didn't know him and had concerns; she asked Mr. Cano if he had met his neighbors. Mr. Cano said he met them at the district council meeting, and they expressed concern about cars being dropped after hours. He said they wouldn't drop cars at night, and if a car was dropped after hours he would make sure they knew where to drop it so it wouldn't disturb the neighbor. He said there was space on the other side.

Mr. Cano said he told Justin (Pope) to think of him as a partner rather than as competition, and, if anything, he would be sending Mr. Pope customers because he only had two bays.

Ms. Vang asked whether he had exchanged contact information with the neighbors at the district council meeting. Mr. Cano said he did.

Ms. Vang said the second concern raised was operating without a license and that had been discussed. Ms. Schweinler said their inspector went out, and Mr. Cano discontinued right away. Ms. Vang said the third issue raised concerned tall grass, and she was glad to hear Mr. Cano had been taking care of that and maintaining the property. Number 4 referred to used tires and oil being stored outside. Ms. Schweinler said that was the previous licensee. Ms. Vang referred to a photo attached to the letter, showing a small jeep pushing snow from the 977 Front lot onto Chatsworth on April 11, which went to the discussion about how snow would be handled. Ms. Vang said another concern related to storage of the tow truck overnight; she noted the earlier testimony stating it would be. She said the last concern was about signage advertising window tinting; she asked whether that service was offered. Mr. Cano said it was done in Minneapolis. Ms. Schweinler said it didn't require a license and was called detailing.

Ms. Vang said Justin Pope raised two concerns, the first pertaining to the fact that he was required to bring his parking lot into compliance. Ms. Schweinler said Mr. Cano's was grandfathered because it had been there for many years. Mr. Pope's was a new one, and he added a parking lot across the alley and had to go through non-conforming use permit. She said Mr. Pope was coming in at a different time, under different zoning laws, and he added property onto the license. She said they were different lots configured completely differently.

Ms. Vang continued with Mr. Pope's letter questioning how Mr. Cano would be able to obtain a license, and asking about rules and code and uniformity in terms of enforcement. Ms. Schweinler said each lot was going to be different, and enforcement was complaint-based.

Mr. Cano said Mr. Pope had wanted to purchase the property.

Ms. Vang said Mr. Pope questioned how Mr. Cano would be able to get a license, when he had trouble getting his. Ms. Schweinler reiterated the differences between the two lots.

Ms. Vang reviewed the other letter of objection from Mary Lou Kruger, who lived within two blocks, and didn't believe there was room for auto repair and towing. The letter expressed concern about the long hours allowed, and asked whether garage doors would be open when repairs were being done.

Mr. Cano said doors were closed in the winter but open in the summer. He said the compressor was enclosed in a room, and not audible outside. Ms. Vang asked Mr. Cano to be mindful of noise, and keeping the doors closed when noisy work was being done. She said she had added a condition in other situations and hoped she wouldn't have to in this case.

She said Ms. Kruger had also asked about enforcement; as Ms. Schweinler indicated earlier, it was complaint-based. Ms. Kruger also asked how often businesses were inspected. Ms. Schweinler said there were other types of inspections, such as Hazardous Waste from Ramsey County and Fire inspections.

Ms. Vang said the only time they would modify conditions was if there was a violation, and most often those conditions would be recommended by DSI and approved by the City Council.

Ms. Vang said she had no further questions and was satisfied with Mr. Cano's background and the answers provided. She said she would recommend that the Council issue the license with the agreed-upon conditions.

Ms. Schweinler said Mr. Cano had signed the conditions affidavit.

The hearing was adjourned at 2:53 p.m.

The Conditions Affidavit was signed and submitted on July 9, 2019.